

REMARKS

Claims 1, 3-17, and 19 are pending in the present Application. No amendments have been made to the claims in this submission. The claims are presented here for convenience when reviewing the arguments presented below. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-4, 6-8, 11-16 and 19 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 5,112,907 to Nishio, et al. (Nishio) in view of United States Patent No. 5,843,340 to Silvi, et al. (Silvi). Applicants respectfully traverse this rejection.

Claims 5, 9, 10 and 17 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Nishio in view of Silvi and further in view of United States Patent No. 6,353,050 to Bastiaens, et al. (Bastiaens). Applicants respectfully traverse this rejection.

Applicants wish to thank the Examiner for her clear explanation of her response to the previously presented arguments. Applicants wish to clarify a few points and believe that this clarification will help to better appreciate the scope of the pending claims relative to the cited art.

The Examiner has pointed out that the modified copolymer rubber of Nishio is not being considered as an adhesion promoter. Claim 1 states that the adhesion promoter is “selected from the group consisting of alpha-beta unsaturated carboxylic acid copolymers, polymers with pendant epoxy groups and combinations of two or more of the foregoing” and that the “adhesion promoter or combination of adhesion promoters is present in an amount of 0.5 to 2.5 weight percent, based on the total weight of the thermoplastic composition” (emphasis added). Applicants respectfully assert that the copolymer rubber of Nishio should be considered as an adhesion promoter because it complies with the language of the independent claims and the specification. Paragraph [0024] of the specification states that alpha-beta unsaturated carboxylic acid copolymers are copolymers produced by the polymerization of an alpha-beta unsaturated carboxylic acid with one more monomers such as an alpha-olefin, alkenyl aromatic compound or a combination of alpha-olefin and alkenyl

aromatic compound. Nishio discloses that the copolymer (C) is a copolymer of an ethylene-alpha-olefin copolymer rubber, an alkenyl aromatic compound and an unsaturated carboxylic acid (col. 4, lines 22-25) – a description which falls squarely within the definition of the adhesion promoter. Given the fact that Nishio discloses that copolymer (C) is present in an amount of 5 to 100 parts by weight for 100 parts of the composition (Col. 4, lines 40-48) and the epoxy compound is present in an amount of 0.01 to 30 parts by weight per 100 parts by weight of the composition of polyphenylene ether and polyamide (Col. 7, lines 21-23) it is clear that Nishio teaches a composition which contains, at a minimum, more than twice the amount of adhesion promoter as is instantly claimed. Applicants note that Silvi has been cited for its teaching with regard to electrically conductive fillers and does not remedy the deficiency of Nishio. Bastiaens has been cited for its teaching with regard to polyester ionomers and metal salts and does not remedy the deficiency of Nishio.

Furthermore, Applicants wish to draw the Examiner's attention to the Examples and provide some additional explanation. The Examiner has stated that the data "appears to be incongruous since the examples with so-called 'adhesion promoter' have a lower peel strength than the example with no adhesion promoter" (page 4 of the pending Office Action). Applicants are not sure what the Examiner means by "incongruous" but note that the result was surprising and was verified. It is speculated that there are competing effects in the composition with regard to the presence of the adhesion promoter with the amount of adhesion promoter determining the predominating effect. This was completely unexpected. There was no way to anticipate or predict that the use of the adhesion promoter in an amount in excess of 2.5 wt% would result in a composition having poorer paint adhesion than a composition completely lacking an adhesion promoter. Applicants note that the upper bound for the amount of adhesion promoter is based on results obtained in both methods of paint adhesion evaluation.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, or knowledge generally available in the art at the time of the invention, must provide some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must

have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The obviousness inquiry also requires consideration of common knowledge and common sense. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742-43 (2007); *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006) ("Our suggestion test is in actuality quite flexible and not only permits, but requires, consideration of common knowledge and common sense.") Applicants believe that a *prima facie* case of obviousness has not been established because the references, neither singly or in combination, teach the use of an adhesion promoter in the instantly claimed amounts. Furthermore, the effectiveness of the claimed amount of the adhesion promoter is unexpected because of the adhesion promoter or combination of adhesion promoters in excess of the claimed amounts has a deleterious effect on paint adhesion.

Reconsideration and withdrawal of this rejection are respectfully requested. It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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